

Nathan Ochsner, Clerk

WHEREAS FSS as of April 17, 2023, FSS suspended disbursements of proceeds from the sale of Platinum Products pursuant to terms of the FSS/ESG Agreement;

WHEREAS FSS, AEJ and ESG disputed the allocation of the proceeds from the sale of Platinum products under the FSS/ESG Agreement and the AEJ/ESG Agreement (collectively the “Agreements”) and the rights of the parties following the termination of those Agreements; and

WHEREAS following extensive review of the distribution of sales proceeds generated from the sale of Platinum dietary supplements pursuant to the Agreements and negotiations between the parties, FSS, AEJ and ESG have reached agreement regarding disbursement of the proceeds generated from the sale of Platinum products under the Agreement to date and have also agreed to the sale of the remaining inventory of Platinum products¹ and the distribution of the proceeds generated from the sale of that remaining inventory.

NOW, THEREFORE, it is stipulated and agreed to by FSS, AEJ and ESG (collectively the “Parties”) and upon approval by the Bankruptcy Court, ordered that:

1. FSS has received proceeds from the sales of Platinum Products under the Agreements for the period from April 8, 2023, through August 20, 2023, in the total amount of \$605,532.76 (“Gross Sales Proceeds”).
2. The parties agree that the distribution of the Gross Sales Proceeds shall be One Hundred Five Thousand, Eight Hundred Twenty-four dollars and 24 cents (\$105,824.24) to be distributed to ESG; Three Hundred Thirty-Two Thousand, One Hundred Fifty-Six dollars and 84 cents (\$332,156.84) to be distributed to Jones;

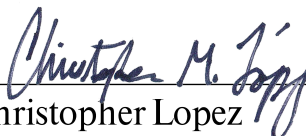
¹ Platinum products means those products identified in the Agreements (the “Platinum Products”). FSS directly purchases Platinum products from time to time that are not subject to the Agreements and are not implicated in this Stipulation.

and One hundred Sixty-Seven Thousand Five Hundred Twenty Three Dollars and 68 cents (\$167,523.68) to be retained by FSS.

3. FSS shall make the distributions directly to ESG and AEJ upon entry of this Stipulation by the Court.
4. FSS will resume sales of the remaining inventory Platinum Products through FSS sales channels under the existing terms of the Agreements, with the FSS/ESG Agreement modified to increase the permitted credit card processing fee to seven percent (7%) for Platinum Product sales after August 21, 2023.
5. FSS will make distributions directly to ESG and AEJ for Platinum Product sales on a weekly basis and shall provide AEJ and ESG weekly reports reflecting sales, related costs and expenses and the resulting distribution to the Parties.
6. The Parties agree that AEJ will not reinvest his distributions in additional Platinum Product sales and the agreement of the Parties in this Stipulation shall terminate upon the sale of the remaining Platinum Product inventory to a point that the continued listing of the Platinum Product on FSS's sales channels is no longer economically justifiable as may be agreed to by the Parties.

The Agreement of the Parties set forth in this Stipulation shall be in full satisfaction of any and all claims the Parties may have among themselves related to the distributions provided for in this Stipulation. The Parties otherwise retain all rights and claims arising from the performance of the agreements contained in this Stipulation.

Signed: September 27, 2023



Christopher Lopez
United States Bankruptcy Judge

STIPULATED AND AGREED ON September 20, 2023, BY AND BETWEEN:

CROWE & DUNLEVY, P.C.

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